

### **REMARKS**

Claims 1-7 are pending in this Application. Of these pending claims, Claims 1-4 stand rejected; and Claims 5-7 have been objected to. By way of this paper, Claims 1 and 5- 7 have been amended, and Claims 2-4 have been cancelled without prejudice.

The foregoing amendments and following remarks are believed to be fully responsive to the outstanding office action, and are believed to place the Application in condition for allowance.

### **Information Disclosure Statement**

A supplemental information disclosure statement is being submitted herewith which is now in compliance with 37 CFR 1.98(a)(2).

### **Claim Objections**

Claims 5-7 stand objected to as being drawn to multiple dependent claims. By way of this paper, Claims 5-7 have been amended to provide proper claim dependency, so as to overcome the objections thereto. Accordingly, Applicant now respectfully requests reconsideration and withdrawal of the objections to Claims 5-7.

### **Claim Rejections – 35 U.S.C. § 112**

Claims 1-4 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner has objected to the term “preferably continuous manner” in Claim 1. By this Amendment, such term has been amended in Claims 1-4 to clarify, and now particularly point out and distinctly claim, the subject matter which Applicant regards as the invention. Accordingly, Applicant now respectfully requests reconsideration and withdrawal of the rejection of Claims 1-4 under 35 U.S.C. §112.

**Claim Rejections – 35 U.S.C. § 102**

Claims 1-3 stand rejected under 35 U.S.C. §102 as being anticipated by the Bakoledis (US 6,523,823) reference, and Claims 1, 2, and 4/2 stand rejected under 35 U.S.C. §102 as being anticipated by the Ito (US 2002/0080426) reference. The Bakoledis reference is directed to an apparatus for the alignment of a stack of sheets, and the Ito reference is directed to an apparatus for the alignment of a stack of sheets of a printing machine. The Examiner has kindly indicated that Claim 4/3 contains allowable subject matter. As such, Claim 1 has herein been amended to include all of the limitations, including the allowable subject matter, of Claims 2, 3, and 4, and such claims have been cancelled without prejudice. As discussed above, the rejection of Claim 1 under 35 U.S.C. §112 has been positively addressed. Accordingly, the rejection under 35 U.S.C. §102 is respectfully considered to now be improper and should be withdrawn. Thus, it is respectfully requested that amended independent Claim 1, and Claims 5-7 dependent thereon, should now be reconsidered and allowed.

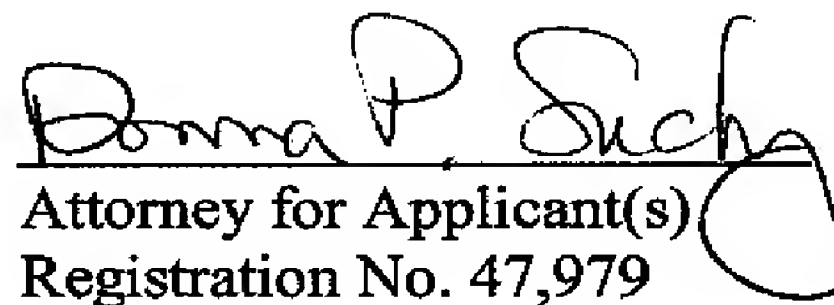
**CONCLUSION**

Applicant is not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. §1.99.

It is respectfully submitted that, in view of the above amendments and remarks, this Application is now in condition for allowance, prompt notice of which is earnestly solicited.

The Examiner is invited to call the undersigned in the event that a phone interview will expedite prosecution of this Application towards allowance.

Respectfully submitted,

  
Attorney for Applicant(s)  
Registration No. 47,979

Donna P. Suchy/NAR  
Rochester, NY 14650  
Telephone: 585-722-9844  
Facsimile: 585-477-1148